

Report of the Deliberative Session
of February 7, 2004
and the Results of the Second Session (Balloting)
March 9, 2004
Town of North Hampton, New Hampshire

The first session (deliberative) of the annual town meeting was held in the Town of North Hampton in the County of Rockingham, in said State, on the 7th day of February, 2004. Moderator William Boesch called the meeting to order at 8:06 a.m. He welcomed those in attendance, reviewed the rules for the session, and introduced Town Clerk Delores Chase, Selectmen Lloyd Sullivan, Jenifer Landman and Paul Cuetara and Town Administrator Michael Pardue. Budget committee chairman Richard Robinson introduced committee members Homer Johnson, Larry Miller, Cynthia Swank, and Paul Fitzgibbons. Absent were Peter Simmons and Susan Smith. Mary Coppinger arrived later.

The Moderator continued with outlining a few rules of the meeting. You do not speak unless the Moderator recognizes you and the Moderator will get an answer to your questions. Each article will be moved and seconded so we may have discussion. All articles will be on the ballot as written or amended. Once they are discussed no additional action is necessary. They are automatically on the ballot.

He continued with the reading of the warrant and read the names of those whose names will be on the official ballot.

On March 9, 2004 Moderator Boesch declared the polls open at 8:00 a.m. to close at 7:00 p.m. The number of voters at polls was 1382. Absentee ballots cast 150. Total number of votes cast 1532.

Article I.

To choose one Selectmen for a term of three years, one Selectmen for a term of one year, one Town Treasurer for a term of one year, one Town Clerk for a term of three years, one Tax Collector for a term of three years, and all necessary Town Officers for the ensuing year.

Moved by Lloyd Sullivan, seconded by Paul Cuetara. No discussion.

Town Moderator, Two Year Term
William S. Boesch 1283

Selectman, One Year Term
Paul S. Cuetara 584
Donald B. Gould 842
Donald B. Gould was elected.

Selectman, Three Year Term
Michael Iafolla 587
Jennifer Lerner 242
Jon R. Rineman 605
Jon R. Rineman was elected.

Town Clerk, Three Year Term
Delores J. Chase 1365

Tax Collector, Three Year Term
Margaret F. Neves 1307

Town Treasurer, One Year Term
Shirley N. Fuller 1241

Water Commissioner, Four Year Term
Henry Fuller 1233

Supervisor of the Check, Six Year Term
Meridith A. Beaman 1237

Trustee of the Library, Three Year Term
Emily J. Creighton 1248

Trustee of Trust Funds & Cemeteries
Four Year Term
Ronald B. Moores 1210

Two Budget Committee Members
Three Year Terms
Mary Pat Dolan 601
Susan Halliday Smith 539
Sue Spencer 753
Mary Pat Dolan & Sue Spencer winners

Budget Committee Member, One Year Term
Terence J. Conklin 1139

Two Planning Board Members

Three Year Terms, Vote for two

Robert Copp 444

Judy Day 724

Peter H. Killheffer 312

Richard Place 168

Craig N. Salomon 598

Judy Day & Craig N. Salomon

Were elected

Article II.

Shall the Town accept the provision of RSA 33:7 providing that any town at an annual meeting may adopt an article authorizing indefinitely, until specific rescission of such authority, the Board of Selectmen to issue tax anticipation notes? (Majority vote required)

Moved by Lloyd Sullivan, seconded by Jenifer Landman.

Results of balloting on March 9, 2004

Yes: 816

No: 446

Article III.

Shall the Town vote to accept the reports of the Town officers?

Moved by Lloyd Sullivan, seconded by Paul Cuetara. No discussion.

Results of balloting on March 9, 2004

Yes 1211

No 121

Article IV.

Shall the Town vote to authorize the Selectmen to issue tax lien redemption notes in accordance with RSA 33:7-d?

Moved by Lloyd Sullivan, seconded by Jenifer Landman. No discussion.

Results of balloting on March 9, 2004

Yes 1027

No 244

Article V.

(Recommended by the Planning Board 6-0)

Section 405 Permitted Uses, Special Exceptions, and Prohibited Uses for All Districts

Pursuant to RSA 674:21 the Town of North Hampton Planning Board is hereby authorized and empowered to administer the permitted uses and uses granted by special exception under the following standards.

405.1 Permitted Uses – Industrial-Business/Residential (“I-B/R”) District

North Hampton encourages business development and growth in the I-B/R District because businesses provide jobs, make a significant contribution to the tax base and serve the needs and conveniences of our citizens. Businesses in North Hampton must, however, be compatible with the Town’s environment (particularly given the fact that a number of important aquifers underlie the I-B/R District) as well as with the significant number of residences in and adjacent to the I-B/R District, the safety, health, and quiet enjoyment of which must be protected and maintained.

- 405.1.1 Each such proposed permitted use shall be submitted to the Planning Board for review under the Planning Board's Site Plan Review Regulations and, in addition, shall be reviewed under the standards of 405.1.2 and 405.1.3.
- 405.1.2 The Planning Board shall determine whether any such proposed permitted use shall have or cause any unreasonably adverse effect on abutting or neighborhood residential or other uses, with respect to pollution, discharge of harmful or noxious substances, noise, dust, vibration, smoke, odors, light spillage, or other unpleasant, unhealthy or hazardous byproducts of the proposed use.
- 405.1.3 The Planning Board shall determine whether any such proposed permitted use shall have any unreasonably adverse effect upon any water resource, the environment, the health or welfare of any residents, or the quality of life in or adjacent to the I-B/R District.
- 405.2 Special Exceptions – Standards for the Zoning Board of Adjustment (ZBA) to Apply in Considering Applications for Special Exceptions
 - 405.2.1 In instances where standards for a listed Special Exception are defined in the Zoning Ordinance, the ZBA shall apply those standards.
 - 405.2.2 In instances where specific standards are not defined for a listed Special Exception, the ZBA shall apply the following standards:
 - 405.2.2.1 The Special Exception, if approved, shall not diminish the value of surrounding properties.
 - 405.2.2.2 The Special Exception, if approved, shall not unreasonably adversely affect the public interest, safety, health, or welfare. The ZBA shall consider whether the proposed Special Exception may cause abutting or neighboring lots, or the I-B/R District generally, to be subjected to any form of pollution or discharge of harmful or noxious substances, noise, dust, vibration, smoke, odors, light spillage, or other unpleasant, unhealthy or hazardous byproducts of the proposed business which threatens to adversely and unreasonably affect the environment, welfare of residents, or quality of life in and adjacent to the I-B/R District.
 - 405.2.3 Notwithstanding approval by the ZBA of an application for a Special Exception, in cases where a site plan is normally required, the Planning Board shall independently review a Site Plan for the proposed use.
- 405.3 Prohibited Uses for All Districts

The types of uses designated as "Permitted Uses" and "Special Exceptions" in the following tables are necessarily broad and general in many cases. The Planning Board will consider specific applications for Site Plan Reviews or Changes of Use as described in 405.1 and 405.2.

Notwithstanding that each of the following uses might be deemed a specific instance of one or more Permitted Use or Special Exception listed in the tables, they are considered inconsistent with goals for development of North Hampton as expressed in the Master Plan, beyond the capacity of the Town's infrastructure, and incompatible with criteria noted in 405.1 and 405.2. They are, therefore, prohibited in all districts in North Hampton.

Prohibited Uses

Commercial animal husbandry facilities, including but not limited to feed lots, slaughterhouses, breeding facilities, egg farms, and hog, chicken, turkey and other domestic fowl production facilities.

“Commercial animal husbandry facilities” does not include the following: veterinary clinics, kennels and other facilities for boarding domesticated animals, equestrian stables for recreational riding, or horse-breeding stables that stable 20 or fewer animals.

Large scale distribution and logistics facilities, including but not limited to facilities like those operated by trucking firms, by package and mail carriers such as FedEx and United Parcel Service, by major retail chains such as Wal-Mart, K Mart, and Sears, and by automobile manufacturers for parts distribution.

Storage of raw materials for processing and the processing of raw materials for distribution or retail sale, including but not limited to stockpiling or storage of dirt and debris for sifting and screening in the production of loam, storage or processing of manure or other materials for production of fertilizer, stockpiling and processing materials for concrete or asphalt production.

R-1 HIGH DENSITY DISTRICT

(chart omitted)

R-2 MEDIUM DENSITY DISTRICT

(chart omitted)

R-3 LOW DENSITY DISTRICT

(chart omitted)

INDUSTRIAL-BUSINESS / RESIDENTIAL DISTRICT (“I-B/R”)

(chart omitted)

Moved by Phil Wilson, seconded by Paul Cuetara. Planning Board Chairman Phil Wilson said the revisions had been suggested by the town’s circuit rider to clarify the meaning of “permitted uses”, and to protect the environment and the interests of residents in the IBR.

Results of balloting on March 9, 2004

Yes 941

No 327

Article VI. (Recommended by the Planning Board 7-0)

Section 512 Motor Vehicle Refueling Facilities Section is intended to protect, preserve and promote public health, safety and welfare and to reduce environmental hazards to health, safety and welfare (including but not limited to traffic congestion and blight), insofar as they are affected by structures, equipment and premises used by and for retail outlets for refueling motorized vehicles. Pursuant to RSA 674:33.IV, this Section is further intended to define specific rules to govern decisions about granting permits for the establishment of such facilities as a Special Exception for

land use in the Industrial-Business/Residential District. To achieve the above aims, this Section provides for control of the number and capacity of such facilities throughout the town.

512.1 Upon adoption of this ordinance any facility that offers on-highway motor vehicle fuel of any kind for sale to the public shall be permitted in the Town of North Hampton only as a Special Exception and only in the Industrial-Business/Residential District.

512.2 Definitions.

512.2.1 “Motor vehicle” includes but is not limited to cars, trucks, buses, motorcycles, motor scooters, recreational vehicles, and motor homes. It does not include aircraft, farm tractors, or construction equipment that is not licensed for travel on public roads.

512.2.2 “Fuel” includes, but is not limited to gasoline of all grades, diesel, ethanol, methanol, liquid propane gas, hydrogen, or any substance dispensed for use in a motor vehicle as a source of energy for such a vehicle.

512.3 The total refueling capacity of all such facilities in the Town of North Hampton, as measured by the total number of vehicles that may receive fuel simultaneously at all these facilities combined, shall be limited to the number at the time of the adoption of this ordinance -- that is, 36 vehicles.

512.4 The total number of tanks, underground or aboveground, that are installed for active use at all such facilities combined in the Town of North Hampton and their total capacity shall be limited to the total number and capacity, as recorded in the facility information records of the New Hampshire Department of Environmental Services, at the time of the adoption of this Section of the Zoning Ordinance – that is, 8 tanks in total with 93,000 gallons of combined total capacity.

512.5 If the total refueling capacity of all such facilities falls below 36 vehicles, a person may apply to the Zoning Board of Adjustment for a permit to install additional refueling capacity at a facility located in the Industrial-Business/Residential Zone only provided that the total refueling capacity shall not exceed 36 vehicles as a result of approval of the application.

512.6 If the total number of installed, active tanks for such facilities falls below 8 or their total combined capacity falls below 93,000 gallons, a person may apply to the Zoning Board of Adjustment for a permit to install a tank or tanks to replace a tank or tanks that have been permanently closed, as determined by the facilities information records of the New Hampshire Department of Environmental Services, only in the Industrial-Business/Residential Zone and provided that the total number and combined capacity of all tanks installed for active use in the Town shall not exceed limits stated in Section 512.4 above as a result of approval of the application.

512.7 Applications for permits under this Section 512 shall be granted only for sites with conforming frontage on Lafayette Road and at least one other town road and approved driveway permits on both Lafayette Road and at least one other town road.

512.8 No more than two (2) such facilities shall be permitted at any one intersection, and no additional refueling facilities shall be permitted within 1,000 feet of any intersection site at which two (2) such facilities are in existence or operating.

512.9 Installation of any new refueling system or any component of such a system, as provided in section 512.5-6 above, shall use the best available technology, equipment,

and methods to protect the environment. This section is intended to cover all elements of the refueling system, aboveground and underground, from orifices used for filling storage tanks to nozzles for dispensing fuel into vehicles, and it includes but is not limited to alarms and devices for detecting leakage, recovering spilled fuel, and extinguishing fires.

- 512.10 Any facility that has the capability to dispense fuel to motor vehicles, but that does not have an approved site plan for that use at the time of the adoption of this ordinance – e.g. an airport, school bus terminal, truck dispatching facility, heating oil distribution business, or construction firm – shall not sell motor-vehicle fuel to the public, unless the Zoning Board of Adjustment approves a permit for that use and the Planning Board approves a site plan for that use.

Moved by Phil Wilson, seconded by Paul Cuetara. Phil Wilson cited the nature of changing threats to the environment, especially the town's water resources. 20-25% of North Hampton's land area, and much of Route 1, lies on top of stratified drift aquifers. The Planning Board seeks to reduce the risk of contamination by limiting the number of gas stations, pumps and underground tanks permitted.

Results of balloting on March 9, 2004

Yes 1078

No 258

Article VII.

(Recommended by the Selectmen 3-0)

(Recommended by the Planning Board 7-0)

Shall the Town adopt the New Hampshire State RSA 674:44-d authorizing the North Hampton Heritage Commission to accumulate appropriations and gifts? Gifts of money received pursuant to RSA 674:44-b shall be placed in a heritage fund and allowed to accumulate from year to year. Money may be expended from such fund by the heritage commission for its purposes without further approval of the local legislative body.

Moved by Jenifer Landman, seconded by Paul Cuetara. Jenifer Landman explained that gift money to the Heritage Commission currently reverts to the town's undesignated fund balance where the commission cannot access it except through town vote.

Results of balloting on March 9, 2004

Yes 1163

No 196

Article VIII.

Shall the Town of North Hampton transfer to the Audubon Society of New Hampshire the 14 contiguous parcels comprising approximately 54.15 acres of land in the Little River Salt Marsh previously owned by the Wildlife Preserves, Inc. as recommended by the North Hampton Conservation Commission?

Moved by Chris Ganotis, Chairman of the Conservation Commission, seconded by Phil Wilson.

Results of balloting on March 9, 2004

Yes 1098

No 161

Article IX.

(Not recommended by the Planning Board 7-0)

On petition of Marjorie Iafolla and at least 25 registered voters of the Town of North Hampton, shall the Town amend Section 507 of the North Hampton Zoning Ordinance entitled "Home Occupation" by adding thereto the following subsections?

507.6 The Home Occupation shall not occupy more than 300 square feet in a dwelling or

accessory building

507.7 The Home Occupation shall result in no detriment to property values in the vicinity or result in a change in the essential characteristics of any area including residential neighborhoods or business and industrial districts on account of the location or scale of buildings and other structures, parking areas, access ways, or the storage of vehicles.

507.8 The Home Occupation shall not create a traffic safety hazard or result in a substantial increase in the level of traffic congestion in the vicinity.

Moved by Phil Wilson, seconded by Homer Johnson. Phil Wilson said that, after discussion with the Planning Board, the petitioners agreed that this zoning amendment would not accomplish what they were seeking. The Planning Board promised to review the Home Occupation ordinance this year, which regulates home businesses.

Results of Balloting on March 9, 2004

Yes 407

No 874

Article X. (Not recommended by the Planning Board 7-0)

On petition of Laura Simmons and at least 25 registered voters of the Town of North Hampton, shall the Town amend Section 405 of the Town of North Hampton Zoning Ordinance entitled "Permitted Uses" by deleting as a use permitted by Special Exception, from the R2 Medium Density District and the R3 Low Density District, "Home Occupations" as permitted by Special Exception in the R2 Medium Density District and R3 Low Density District.

Moved by Phil Wilson, seconded by Homer Johnson. Phil Wilson said this zoning amendment would prevent home businesses in 2 but not all districts. The Planning Board would like the wording to read "may be" rather than "shall be".

Results of balloting on March 9, 2004

Yes 209

No 1041

Article XI. (Recommended by the Selectmen 3-0)

(Recommended by the Budget Committee 8-0)

Shall the Town vote to raise and appropriate twenty thousand dollars (\$20,000.00) to be added to the Capital Reserve Dearborn Park fund and to be funded from fund balance as of June 30, 2004? The current balance in the fund is \$20,000.00.

Moved by Lloyd Sullivan, seconded by Paul Cuetara. No discussion.

Results of Balloting on March 9, 2004

Yes 1077

No 338

Article XII. (Recommended by the Selectmen 3-0)

(Recommended by the Budget Committee 8-0)

Shall the Town vote to approve the cost item in the collective bargaining agreement reached between the Town of North Hampton and the Teamsters Union Local #633? This local union consists of Police Sergeants, Police Officers, the Police Administrative Secretary and drivers and laborers employed by the North Hampton Highway Department. The estimated costs of this agreement for salaries and benefits for the years 2004-2005, 2005-2006, 2006-2007, 2007-2008, and 2008-2009 are as follows:

Year	Estimated Increase
2004-2005	\$41,415.00

2005-2006	\$35,146.00
2006-2007	\$35,667.00
2007-2008	\$35,922.00
2008-2009	\$36,100.00 and to raise

and appropriate forty one thousand four hundred fifteen dollars (\$41,415.00) to cover the first year cost of the agreement.

Moved by Lloyd Sullivan, seconded by Jenifer Landman. Lloyd Sullivan said this contract would make police compensation competitive with surrounding communities, beginning July 1, 2004.

Results of balloting on March 9, 2004

Yes 1115

No 312

Article XIII. (Recommended by the Selectmen 3-0)
(Recommended by the Budget Committee 8-0)

Shall the Town vote to raise and appropriate ten thousand dollars (\$10,000.00) to replace or upgrade existing computer machines in order to meet the new minimum standards recommended to run the IMC (Information Management Corporation) database application at the police department?

Moved by Lloyd Sullivan, seconded by Jenifer Landman. Police Chief Brian Page explained that the database has grown too large to run on current computers; it will be most cost effective to replace them.

Results of balloting on March 9, 2004

Yes 1179

No 265

Article XIV. (Recommended by the Selectmen 3-0)
(Recommended by the Budget Committee 8-0)

Shall the Town vote to raise and appropriate twelve thousand dollars (\$12,000.00) to purchase and install security monitoring equipment that will monitor and record areas of the Police Station where prisoners are removed from vehicles, detained or interviewed? These areas include, but are not limited to the booking area, the interview room, and the sally port (garage) area.

Moved by Lloyd Sullivan, seconded by Jenifer Landman. Lloyd Sullivan explained that this was liability protection for the police officers and would record every action that occurs.

Results of balloting on March 9, 2004

Yes 1033

No 401

Article XV. (Recommended by the Selectmen 3-0)
(Recommended by the Budget Committee 8-0)

Shall the Town vote to raise and appropriate twenty seven thousand five hundred dollars (\$27,500.00) to purchase and set up a police cruiser with a three-year extended warranty for use by the North Hampton Police Department, and to authorize withdrawal of the sum appropriated from the fund balance as of June 30, 2004?

Moved by Lloyd Sullivan, seconded by Jenifer Landman. No discussion.

Results of balloting on March 9, 2004

Yes 1036

No 397

Article XVI. (Recommended by the Selectmen 3-0)
(Recommended by the Budget Committee 8-0)

Shall the Town vote to raise and appropriate ninety seven thousand five hundred dollars (\$97,500) to fund the Mosquito Control Expendable Trust Fund and to be funded from the fund balance as of June 30, 2004?

Moved by Paul Cuetara, seconded by Lloyd Sullivan. In response to questions from Jill Brandt, Patty O'Connor, Jon Rineman, Larry Miller and Phil Wilson, the town's contracted mosquito controller Michael Morrison said he would like to develop a long range control plan inclusive of salt marsh restoration; though both aduaticiding and larvaciding are used larvaciding is most effective; his was the only bid; he does not advise homeowners use "bug zappers"; salt marsh restoration can reduce control costs and federal money may be available to help fund it. Bob Landman noted that aerial photos are now available for Morrison's use.

Results of balloting on March 9, 2004

Yes 1157

No 285

Article XVII. (Recommended by the Selectmen 3-0)
(Recommended by the Budget Committee 7-0-1)

Shall the Town vote to raise and appropriate thirty five thousand dollars (\$35,000.00) for the Fire Department Equipment Capital Reserve Fund #4 and to be funded from the fund balance as of June 30, 2004? The current balance is \$112,750.20 plus interest.

Moved by Lloyd Sullivan, seconded by Paul Cuetara.

Results of balloting on March 9, 2004

Yes 1079

No 346

Article XVIII. (Recommended by the Selectmen 3-0)
(Recommended by the Budget Committee 7-0-1)

Shall the Town vote to appropriate the sum of one hundred eighty thousand dollars (\$180,000) for the purchase of a Medical Response/Transport vehicle for the Fire Department and to authorize the Selectmen to withdraw \$112,000 from Capital Reserve #4, and further to act as agents for the Town in connection with the purpose for which the fund was established in accordance with NH RSA 35:15, and with the balance to be paid by the fund balance as of June 30, 2004? (Any monies received by the Town from the sale of the current ambulance will be used to offset the cost of the new vehicle.)

Moved by Lloyd Sullivan, seconded by Paul Cuetara.

Results of balloting on March 9, 2004

Yes 1088

No 357

Article XIX. (Recommended by the Selectmen 3-0)
(Recommended by the Budget Committee 6-0-2)

Shall the Town vote to adopt the provisions of RSA 154:5 in reference to the appointment of Fire Chiefs? RSA 154:5 states that the Fire Chief will be technically qualified, have the ability to command his firefighters, and be released only for cause after being presented with written specifications for the reasons and shall be entitled to a hearing on the merits of the reasonableness of the action in superior court.

Moved by Lloyd Sullivan, seconded by Paul Cuetara. Lloyd Sullivan described this as "housekeeping". and the police chief already has this provision to protect him from local politics. Cynthia Swank noted that the budget committee does not usually vote on non-money warrant articles.

North Hampton Minutes, Page Ten

Article XIX

Results of balloting on March 9, 2004

Yes 1164

No 143

Article XX.

On petition of Pat Moreinis Dodge and at least 25 other registered voters of the Town of North Hampton to see if the Town will vote to establish a Mosquito Control Committee as defined by the State of New Hampshire RSA 430, Title XL, Chapter 430, Sections 1,9,10,12,13,14,16,19,20 and 50?

Moved by Jenifer Landman, seconded by Lloyd Sullivan. Jenifer Landman said the town used to have a mosquito committee. With the rise of West Nile virus and equine encephalitis, selectmen thought it was a good idea to reestablish one to research, answer questions to the public and communicate with other towns' committees. In response to a question from Don Gould, Jenifer Landman said the committee would be advisory and appointed by selectmen. In response to Cynthia Swank's question, Jenifer Landman said selectmen supported the article 3-0 but that could not appear on a citizen's petitioned article.

Results of balloting on March 9, 2004

Yes 955

No 334

Article XXI.

(Recommended by the Selectmen 3-0)

(Recommended by the Budget Committee 8-0)

Shall the Town vote to raise and appropriate twelve thousand dollars (\$12,000.00) for the purchase of a new heavy-duty tractor mower for the Highway Department to replace the 1987 John Deere 318 tractor mower? (Any monies received by the Town from the sale of the 1987 John Deere 318 tractor mower will be used to offset the cost of the new vehicle.)

Moved by Lloyd Sullivan, seconded by Paul Cuetara. No discussion.

Results of balloting on March 9, 2004

Yes 985

No 362

Article XXII.

(Recommended by the Selectmen 3-0)

(Recommended by the Budget Committee 8-0)

Shall the Town vote to raise and appropriate thirty five thousand dollars (\$35,000.00) for the purchase of a new tractor bucket loader with a three-point hitch for the Highway Department to replace the 1968 Ford tractor bucket loader? (Any monies received by the Town from the sale of the 1968 Ford tractor bucket loader will be used to offset the cost of the new vehicle.)

Moved by Lloyd Sullivan, seconded by Paul Cuetara. No discussion.

Results of balloting on March 9, 2004

Yes 988

No 351

Article XXIII.

(Recommended by the Selectmen 3-0)

(Recommended by the Budget Committee 8-0)

Shall the Town vote to raise and appropriate nineteen thousand dollars (\$19,000.00) for the Highway Department to have one hundred and fifty five guard rail posts and fourteen guardrails replaced on South Road over Interstate 95?

Moved by Lloyd Sullivan, seconded by Paul Cuetara. Lloyd Sullivan said the town owns this bridge and the rails are due to be replaced.

Results of balloting on March 9, 2004

Yes 897

No 439

Article XXIV.

(Recommended by the Selectmen 3-0)

(Recommended by the Budget Committee 8-0)

Shall the Town vote to raise and appropriate eighteen thousand dollars (\$18,000.00) for the purchase of digital radio equipment for the Highway Department to ensure continued communications with the Police and Fire Departments during an emergency?

Moved by Lloyd Sullivan, seconded by Paul Cuetara. Lloyd Sullivan said this would link the Highway Dept. with Police and Fire Departments, as per the Homeland Security Act.

Results of balloting on March 9, 2004

Yes 979

No 357

Article XXV.

(Recommended by the Selectmen 3-0)

(Recommended by the Budget Committee 8-0)

Shall the Town vote to raise and appropriate fifty eight thousand dollars (\$58,000.00) for the purpose of stripping, installing weather shield, and shingle roofs, and to pressure wash, scrape, prime and paint the trim of the Fire/Police/ Town Office Complex?

Moved by Paul Cuetara, seconded by Jenifer Landman. Paul Cuetara said the building was built in 1967 and added to in 1990 and no repairs had occurred since. He agreed with Newman Goodwin's suggestion that an annual maintenance schedule should be developed.

Results of balloting on March 9, 2004

Yes 856

No 460

Article XXVI.

(Recommended by the Selectmen 3-0)

(Recommended by the Budget Committee 8-0)

Shall the Town vote to modify the elderly exemptions from property tax in the town of North Hampton, based on assessed value, for qualified taxpayers, to be as follows?

For a person 65 years of age up to 75 years - \$120,000

For a person 75 years of age up to 80 years - \$160,000

For a person 80 years of age or older - \$200,000

To qualify a person must have been a New Hampshire resident for at least five years, own real estate individually or jointly, or if such person's spouse owns real estate, they must have been married for at least five years. In addition, the taxpayer must have a net income of not more than \$40,000 if single, and if married a combined net income not exceeding \$55,000; and own net assets not in excess of \$175,000, excluding the value of the person's residence.

Moved by Jenifer Landman, seconded by Lloyd Sullivan. Since reassessments have doubled property values benefits to elderly have been halved, said Jenifer Landman. This article seeks to rectify that. Don Gould said it would be useful to know the impact on taxes if this article passes. Jenifer Landman said the tax rate is currently 12.72 per thousand and 24 seniors currently take advantage of exemptions. At an average annual tax bill of \$4200 per household, she felt this article would not have a significant impact on the town but would benefit seniors, who have paid taxes for years. There were suggestions of clarifying language and age categories from Cynthia Swank and Marcia Gagnon. Phil Wilson said there were problems with the reassessments by Vision Appraisal including an arbitrary increase in wetlands values and he advised reviewing this. Jenifer Landman reminded that abatement requests must be submitted by March 1.

Results of balloting on March 9, 2004

Yes 1174

No 153

Article XXVII.

(Recommended by the Selectmen 3-0)

(Recommended by the Budget Committee 5-0-3)

On petition of Scott C. Hill and at least 25 registered voters of the Town of North Hampton, shall the Selectmen acting pursuant to RSA 41:14 (a) purchase a parcel of real estate and a building located at 239 Atlantic Avenue (Tax Map 7 Lot Number 138) for a price of Five Hundred Fifty Thousand Dollars (\$550,000), the funds for the purchase to be paid from the Town's undesignated fund balance?

Moved by Jenifer Landman, seconded by Paul Cuetara. The reason to acquire this property, said Jenifer Landman, was to expand the town complex in accordance with the town architect's long-range plan. Possibilities include a library and additional parking. Selectmen were unable to purchase the property several months ago when it became available because a petition forced it to go to the March vote. Phil Wilson said the Planning Board recommended the purchase with two caveats: the board was concerned that residents would be asked to leave immediately and there would be loss of income; a full site plan review should take place and include the surrounding residents. In response to a question from Paul Fitzgibbons, TA Michael Pardue said that the seller was willing to forgo the additional \$60,000 he had originally requested for delay of sale and loss of income, so the \$550,000 amount was accurate; if the article passes, the property will close on or about April 1. Bob Landman said concerns for preservation of this historic building would not prevent a buyer other than the town from razing the building; he urged passage of the article to meet future needs of the town, saying the opportunity was a bargain. Cynthia Swank asked that a copy of Architect Dennis Mires' plans for the town be made available to the public at the library and town office. Pete Killheffer asked if the growth needs of the town had been studied and Jenifer Landman explained the process that took place several years ago and the results.

Results of balloting on March 9, 2004

Yes 731

No 576

Article XXVIII.

(Recommended by the Selectmen 3-0)

(Recommended by the Budget Committee 8-0)

On petition of Junious B. Owens and at least 25 registered voters of the Town of North Hampton, shall the Town adopt the provisions of RSA 72:28 II & IV, or an optional veterans tax credit of \$500 on residential property and replace the standard tax credit in its entirety?

Moved by Lloyd Sullivan, seconded by Jenifer Landman. The state has raised the cap from \$100 to \$500 so the town would like to increase the benefits, said Lloyd Sullivan.

Results of balloting on March 9, 2004

Yes 1074

No 204

Article XXIX.

(Recommended by the Selectmen 3-0)

(Recommended by the Budget Committee 8-0)

On petition of Junious B. Owens and at least 25 registered voters of the Town of North Hampton, shall the Town adopt the provisions of RSA 72:35 I-a or an optional veterans tax credit of \$2,000 for service connected total disability on residential property and replace the standard tax credit in its entirety?

Moved by Lloyd Sullivan, seconded by Robbie Robinson. This would increase the current amount from \$1400 to \$2000. Lloyd Sullivan said there are currently 9 people in town receiving this benefit.

Results of balloting on March 9, 2004

Yes 1056

No 217

Article XXX.

(Not recommended by the Selectmen 1-1-1)

(Recommended by the Budget Committee 5-3)

On petition of Deborah Sillay and at least 25 registered voters of the Town of North Hampton, shall the

Town vote to raise and appropriate fifteen hundred dollars (\$1,500) for the Seacoast Diversion Program, a nonprofit agency to support the many services they provide to the Town of North Hampton. This includes educational, prevention and intervention opportunities for at risk children and families including drug and alcohol, truancy, anger, or other behaviors as identified by local schools, police, family members and courts.

Moved by Paul Cuetara, seconded by Jenifer Landman. Paul Cuetara said he had abstained from recommending this article as a selectman because he had served on the Board of Directors of the Seacoast Diversion Program. He said it was a worthy organization that served at-risk youth. Mike Iafolla asked permission from the moderator for a nonresident to address the town and it was granted. A woman who worked for the Seacoast Diversion Program said the program was currently serving 75 young people, including 13 from North Hampton. She said the program had never asked for funding from the towns before but federal cuts made it necessary now. Lloyd Sullivan said he knew it was a good organization but did not approve of the process of putting it on a citizen's petition. The town is currently funding 18 charities and he asked that requests be submitted to the Board of Selectmen for review.

Results of balloting on March 9, 2004

Yes 772

No 640

Article XXXI.

(Not recommended by the Selectmen 1-2)

(Recommended by the Budget Committee 7-0)

On petition of Robert Strout and at least 25 registered voters to see if the Town will vote to expend from the fund balance eight hundred and fifty thousand dollars (\$850,000) for the construction of a new highway department garage and maintenance facility of approximately 8,000 square feet, a salt and sand storage shed, and the demolition of existing facilities behind the Town Office. These new facilities will be located on existing town property located on Cherry Road. These facilities are needed to meet State and Federal EPA standards and Federal OSHA requirements. A "yes" vote will authorize the Town to fund this project from the existing fund balance and to construct these new facilities on land currently owned by the Town.

Topical Discussion: This Warrant Article passed by a vote of 669 yes to 384 no at previous Town vote when it was to be funded by a bond issue. It was not started due to an administrative defect in the bonding process. If this new Warrant Article is approved it will be funded from the current fund balance and no bonding will be required.

Moved by Robert Strout, seconded by Lloyd Sullivan. Highway Dept. Road Agent Robert Strout made a motion to amend the article, seconded by Lloyd Sullivan. The amendment read:

"On petition of Robert Strout and at least 25 registered voters to see if the Town will vote to expend from the fund balance eight hundred and fifty thousand dollars (\$850,000) for the construction of a new highway department garage and maintenance facility of approximately 8,000 square feet, a salt and sand storage shed, and the demolition of existing facilities behind the Town Office. These new facilities will be located on existing town property located on Cherry Rd. or upon other land as deemed appropriate by the Board of Selectmen. These facilities are needed to meet State and Federal EPA standards and Federal OSHA requirements. A "yes" vote will authorize the Town to fund this project from the existing fund balance and to construct these new facilities on land currently owned by the Town."

Robert Strout discussed the history of the effort to relocate the highway dept. facilities and urged action rather than waiting another year. Larry Miller said he commended Bob Strout for working in terrible conditions but he was opposed to this amendment because it still mentioned the Cherry Rd. site, which was strongly opposed by abutting residents, and because he felt a bond was a better choice than using money from the undesignated fund balance. Chuck Robie asked what would happen to the recommendations if the article was amended and he was told the selectmen and budget committee would meet again to review and revote. He also asked what properties were considered that would not impact a residential neighborhood. Jenifer Landman said that the Conservation Commission had recently compiled a list of all town-owned land without covenants and in commercial locations to help narrow the search. Phil Wilson asked if

citizen's petitions could be amended and the moderator said he researched and discovered that they may be amended. VOTE: AMENDMENT PASSED 51, 29.

Don Gould said the amended article gives selectmen an option to choose a location other than Cherry Rd. but does not authorize them to do so. He asked if it was legally impossible and Lloyd Sullivan said no. Laurel Pohl noted there was no funding to purchase other land included in the amended article.

Phil Wilson offered this amendment to Article XXXI:

"On petition of Robert Strout and at least 25 registered voters to see if the Town will expend from the fund balance eight hundred and fifty thousand dollars (\$850,000) for the construction of a new highway department garage and maintenance facility of approximately 8,000 square feet, a salt and sand storage shed, and the demolition of existing facilities behind the Town Office. These new facilities will be located on existing town property located on Cherry Rd. or upon other land as deemed appropriate by the Board of Selectmen. These facilities are needed to meet State and Federal EPA standards and Federal OSHA requirements. A "yes" vote with authorize the town to fund this project only after holding a town vote to authorize the proposed funding method for the acquisition of property or the construction of facilities."

Phil Wilson explained that the money was more valuable in the reserve fund and a bond more fiscally prudent; and public hearings are an integral part of the process. Paul Cuetara said there are 1 or 2 pieces of town-owned land that may be available but it is not public yet; and the fund balance earns 3.5% whereas a bond is available at around 2%. Laurel Pohl said there were two issues, location and funding, and suggested that Article 32 already said what Article 31 was being amended to. She listed reasons not to locate on Cherry Rd., including: diminishment of property values, therefore less tax collected; an entrance that is too narrow and not owned by the town; it's against town zoning ordinances; there are barely 2 buildable acres due to wetlands and it would not be a long-term solution; there is a risk of contaminating surrounding wells; and the town owns over 400 acres with possibly 20 other buildable sites. John Anthony Simmons said municipalities are exempt from zoning laws so municipal needs can be served; he urged action. He said locating the site on Rt. 1 wouldn't mean other residents wouldn't be affected. Jenifer Landman noted that the zoning exceptions do not include highway buildings. Sue Spencer said the current amendment was contradictory, with too many parts trying to come together. Pete Killheffer said there were too many issues and decisions: funding; design process; Cherry Rd; buy new or use existing property. He asked Phil Wilson to summarize the amendment with respect to those decisions. Phil Wilson said the money would be enough to cover site work and construction on another site in town too. AMENDMENT PASSED 53-27.

Don Gould was concerned the article was internally inconsistent and wanted to amend it to direct the selectmen to develop a plan and hold a special meeting to put it before the people posthaste. Sandy Dewing offered an amendment to remove Cherry Rd and fund balance from the wording, seconded by Jenifer Landman:

"On petition of Robert Strout and at least 25 registered voters to see if the Town will appropriate eight hundred and fifty thousand dollars (\$850,000) for the construction of a new highway department garage and maintenance facility of approximately 8,000 square feet, a salt and sand storage shed, and the demolition of existing facilities behind the Town Office. These new facilities will be located on existing town property or upon other land as deemed appropriate by the Board of Selectmen. These facilities are needed to meet State and Federal EPA standards and Federal OSHA requirements. A "yes" vote with authorize the town to fund this project only after holding a town vote to authorize the proposed funding method for the acquisition of property or the construction of facilities."

AMENDMENT PASSED BY HAND VOTE, Article XXI will go to the ballot as amended.

Results of balloting on March 9, 2004

Yes 467
No 794

Article XXXII.

(Recommended by the Budget Committee 7-0)

On petition of Alison Robie and at least 25 other registered voters of the town of North Hampton: Are you in favor of the Selectmen negotiating the purchase of property for use by the highway department, which

would permit the elimination of the existing substandard highway garage and permit the building of an EPA approved salt shed, for the purpose of relocating the Public Works Garage away from a densely developed residential district such as the Cherry Road site? Selectmen would be required to have a town vote to approve funding.

Moved by Alison Robie, seconded by Jenifer Landman. Alison Robie said the intent of the petition was to send a message to selectmen that Cherry Rd was not an appropriate location due to the potential impact on he neighborhood. Don Gould offered an amendment, seconded by Robbie Robinson:

“On petition of Alison Robie and at least 25 other registered voters of the town of North Hampton: Are you in favor of authorizing the selectmen to develop a plan for the location of real estate for and construction of a new highway department facility and to present that plan to the town at a specially called town meeting as soon as possible?”

Larry Miller said he felt the amendment emasculated the original intent of the article. Tom Beattie asked if articles 31 and 32 were mutually exclusive. Don Gould said selectmen were authorized but not required to act. Richard Better said he opposed the amendment because the intent was to move the highway department away from a residential area. Alison Robie agreed she would not want the petitioned article changed in this way. Phil Wilson suggested a better definition for “densely developed area” should be offered, so the IBR would not be excluded. He said this also did not provide the option of using town land. AMENDMENT FAILED BY HAND VOTE.

Sandy Dewing offered this amendment, seconded by Bob Landman:

“On petition of Alison Robie and at least 25 other registered voters of the town of North Hampton: Are you in favor of the Selectmen negotiating the purchase of property for use by the highway department, which would permit the elimination of the existing substandard highway garage and permit the building of an EPA approved salt shed, for the purpose of relocating the Public Works Garage away from a densely developed residential district such as the Cherry Road site? Selectmen would be required to hold a special town meeting as soon as possible to approve funding.” AMENDMENT PASSED BY A HAND VOTE.

Results of Balloting on March 9, 2004

Yes 679

No 559

Article XXXIII.

(Recommended by the Selectmen 3-0)

(Recommended by the Budget Committee 6-1)

Shall the Town of North Hampton vote to raise and appropriate as an operating budget, not including appropriations by special warrant articles, the amounts set forth on the budget posted with the warrant, for the purposes set forth therein, totaling \$3,931,365?

Should this article be defeated, the operating budget shall be \$3,829,601 which is the same as last year, with certain adjustments required by previous action of the Town of North Hampton or by law or the governing body may hold one special meeting, in accordance with RSA 40:13 X and XVI, to take up the issue of a revised operating budget only.

* note: Warrant Article XXXIII (operating budget article) does not include special warrant articles XI, XVI, XVII, XXX, XXXI and individual warrant articles XIII, XIV, XVIII, XXI, XXII, XXIII, XXIV, XV, XXVII, XII and XV.

Moved by Lloyd Sullivan, seconded by Paul Cuetara. Lloyd Sullivan read through the proposed operating budget by categories rather than individual line items. Regarding the 4130 column, Town Administration, Bob Landman said Vision Appraisal had made mistakes in its town-wide reassessment and the town should send them a strong message to “get it right”. On the 4191 category, Phil Wilson said the Planning Board’s actual expenses were running closer to \$6000 than \$5000. Lloyd Sullivan said if the account was exceeded again next year, it would be increased. On the 4220 account for the Fire Department, Christopher LeClaire made a motion to add \$180,000, seconded by Jim Colcord, to hire 4 additional firefighters. He said two people per shift was not enough to handle the calls anymore, which increased by 50% this past year. Recommended standards call for 4 firefighters at a call rather than the 2 that show up now if a truck is sent. If an ambulance is needed the Fire Department is empty, he said. He estimated a tax impact of \$72 per year for the average property worth \$400,000. Jenifer Landman asked if overtime would be reduced. It would,

said Fire Chief Thomas Lambert, as cost avoidance rather than savings, and that was factored in to the \$180,000, along with FICA and other benefits. Lloyd Sullivan said that as a taxpayer he'd like to see it passed but as a selectman he didn't think it was time and that's why he didn't bring it to the budget committee this year. Larry Miller said that if this was important the process should have been followed and it should have been presented to the budget committee. Jennifer Lerner said she was not aware of the problem but for \$72 per year she felt it was worth it, to protect property and the lives of the firefighters. Article 33 with the amendment of an additional \$180,000 for the Fire Department PASSED BY HAND VOTE.

Results of Balloting on March 9, 2004

Yes 924

No 453

Peter Killheffer asked why the budget had increased by 11%, including some salaries that increased 9-10%. Lloyd Sullivan said the Police Department increased by one officer, otherwise increases were contractual and benefits were estimated at a double-digit increase. Also, a NHMA study recommended adjusting salaries of department heads to compare with surrounding towns. Bob Landman said it would cost more to replace and retrain town employees than to give them a raise. Robbie Robinson said that this was the 4th iteration of the town budget and the budget committee had passed it unanimously after diligent questioning.

Lloyd Sullivan thanked Jenifer Landman for her service as selectman, as her term was ending and she was not running for reelection. Jenifer Landman said this year's dedication of the town report went to Jane Palmer for her extensive volunteer work on behalf of the town.

There being no other business the meeting was adjourned by the moderator at 12:35 p.m.

Respectfully submitted,

Delores J. Chase, Town Clerk
Town of North Hampton